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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
 ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

State of Utah et al. v. Google LLC et al.,
 Case No. 3:21-cv-05227-JD

Case No. 3:21-md-02981-JD

**STIPULATION AND [PROPOSED]
 ORDER RE: GOOGLE-PRODUCED
 DOCUMENTS IN UNITED STATES V.
 GOOGLE LLC**

Judge: Hon. James Donato

WHEREAS Defendants have agreed that, subject to the procedure outlined in this stipulation, the Plaintiff States may produce to the non-State Plaintiffs (the “Private Plaintiffs”) in the above-captioned MDL certain documents Defendants initially produced in the matters *United States v. Google LLC*, No. 03010 (D.D.C.) and *Colorado, et al. v. Google LLC*, No. 03715 (D.D.C.) (collectively, the “Search Matter”), excluding documents any non-party produced to any of the parties in the Search Matter;

1 NOW, THEREFORE, Defendants and the Plaintiff States hereby stipulate and agree,
2 subject to the Court's approval, as follows:

3 1. To the extent the Plaintiff States seek to use in this MDL any of the documents
4 produced by Defendants in the Search Matter that were not produced by Defendants during
5 discovery in this MDL (hereinafter, "Search Matter Documents"), the Plaintiff States will produce
6 such Search Matter Documents no later than 90 days before the first day of trial, and, if Plaintiffs
7 plan to rely on the Search Matter Documents in connection with motions for summary judgment,
8 Plaintiffs will produce such Search Matter Documents no later than two weeks before opening
9 summary judgment briefs are due to the extent Plaintiffs can in good faith identify or anticipate
10 using those documents. If Plaintiffs identify additional Search Matter Documents that they will
11 rely on in connection with summary judgment after seeing opening briefs, Plaintiffs will produce
12 those documents no later than two weeks before summary judgment opposition briefs are due.
13 Plaintiffs States will adhere to the following protocol:

14 a. The Plaintiff States shall not "dump" the Search Matter Documents into this
15 MDL or otherwise give to the Private Plaintiffs unfettered access to documents produced in the
16 Search Matter;

17 b. The Plaintiff States may produce to the Private Plaintiffs Search Matter
18 Documents which the Plaintiff States believe in good faith are reasonably related to their claims or
19 Defendants' defenses in the MDL, and which the Plaintiff States reasonably believe may be used
20 as evidence or as the basis for expert testimony in this MDL;

21 c. Prior to any production by the Plaintiff States of Search Matter Documents
22 in this MDL, the Plaintiff States shall give Google at least one week advance notice of such
23 production, including a list of the beginning Bates numbers (from the Search Matter) planned for
24 production in this MDL. If Defendants, in good faith, assert that the intended production is an
25 untailored document "dump," or is otherwise improper, Plaintiff States agree to meet and confer in
26 good faith with Defendants regarding the scope of the proposed production.

27 d. The States shall provisionally label the Search Matter Documents with the
28 highest level of protection under the operative protective order prior to disclosing or using the

document, as follows: “PROV – HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” unless third-party information requires a “PROV – NON-PARTY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY” designation;

e. The States shall assign the Search Matter Document a Bates number specific to this MDL, while preserving the Bates numbering associated with the document as produced in the Search Matter;

f. For purposes of preserving the rights and obligations under the operative Protective Order, Google shall be considered the Designating Party and/or Producing Party for any Search Matter Document produced pursuant to this protocol; and

g. The States shall produce any Search Matter Documents simultaneously to all parties to this MDL. For the avoidance of doubt, this requirement does not apply to Search Matter Documents produced by Defendants during discovery in the MDL, including Search Matter Documents eliminated from the Search Matter Production as duplicates of the pre-existing MDL production.

2. Google reserves all rights as to any documents produced pursuant to this protocol, including the right to supplement its expert reports, served on November 18, 2022, with citation to any documents that the Plaintiff States produce thereafter pursuant to the protocol outlined herein;

3. Nothing in this Stipulation shall be deemed a waiver of Defendants’ right to seek a clawback of a document based on a good-faith claim of attorney-client privilege or work-product protection.

IT IS SO STIPULATED.

DATED: April 18, 2023

OFFICE OF THE UTAH ATTORNEY GENERAL
Brendan P. Glackin
Lauren M. Weinstein

Respectfully submitted,

By: /s/ Lauren M. Weinstein
Lauren M. Weinstein
Counsel for the Plaintiff States

1 DATED: April 18, 2023

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Sujal J. Shah
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5 Respectfully submitted,

7 By: /s/ Brian C. Rocca
8 Brian C. Rocca
9 *Counsel for Defendants Google LLC et al.*

10 DATED: April 18, 2023

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15 Respectfully submitted,

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18 Glenn D. Pomerantz
19 *Counsel for Defendants Google LLC et al.*

E-FILING ATTESTATION

I, Lauren M. Weinstein, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Lauren M. Weinstein
Lauren M. Weinstein

1 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

2
3
4 DATED: April __, 2023

5 _____
The Honorable James Donato
United States District Judge
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